

### REMARKS

The Applicant thanks the Examiner for the Office Action of July 22, 2005.

The rejections under 35 USC 103 of all of the presently pending claims rely upon the combination of the Ishida and Weber references. Some of those rejections also rely upon the further combination of those references with the Pileggi reference.

The Applicant traverses all of these rejections and requests that they be reconsidered.

The law requires that, where it is proposed to combine references to arrive at a claimed invention, three conditions must be satisfied to establish *prima facie* grounds for rejection. One of those conditions is that each of the features of the claimed invention be present in one or another of the references upon which the rejection is based.

Considering presently rejected independent claims 1 and 8, the Applicant respectfully submits that this condition is not satisfied. At present claim 1 requires that the articulated connectors be symmetrically arranged, and also that the side-bearing arms be symmetrically arranged relative the transverse central plane of the railroad freight car. Claim 8 is of similar effect. Consider the Ishida and Weber references, upon which all of the present rejections ultimately rest:

#### Ishida

Ishida does not say or illustrate anything about side bearing arms at all, let alone whether they are symmetrical or not.

Further, the Applicant respectfully doubts whether the almost childlike conceptual schematics of Ishida, or Ishida's minimalist description, can truly be said to be enabling of much of anything with respect to the present claims. Perhaps more charitably, it appears that it may be said that they leave a great deal to the imagination. But rejections are required to be based on objective evidence of record, not imagination.

The Applicant respectfully doubts whether Ishida can even be said to have disclosed a freight car: Ishida refers to various embodiments having powered trucks. The Applicant is not presently aware of any abundance of freight cars either now or in the past, having powered trucks. However, powered trucks are suggestive of passenger equipment.

#### Weber

The Weber reference shows side bearing arms, but does not show them in a symmetrical relationship relative to the central plane of the car. On this point, the Applicant does not agree with

the Examiner that Weber units 5 and 6 can be construed as being one unit. Weber himself says otherwise at col. 3, lines 11 -12 : "FIG. 1 illustrates a series of cars 4, 5, 6 and 7, illustrative also of a train of many more cars ..."

In one respect, the Applicant does not believe that Weber's terminology is well chosen. Weber items 4, 5, 6 and 7 are not stand-alone rail road *cars* as understood by persons of ordinary skill in the art in North American usage, but rather car body units of a single articulated rail road car. The point is that, contrary to the suggestion in the Office Action, items 4, 5, 6 and 7 are clearly identified as separate and distinct car body units. Items 5 and 6 are not a single body unit. Thus Weber shows neither a symmetrical arrangement of articulated connectors, nor a symmetrical arrangement of side bearing arms.

In the event that the current rejections are sustained, the Applicant requests an indication in Ishida or Weber of either (a) the Figure in which the feature of a car having side bearing arms arranged to either side of the middle transverse plane of a multi-unit articulated rail road car is shown, or (b) the column and line numbers at which that feature is described. If there is no such location, the Applicant respectfully submits that the rejections should be withdrawn.

### Conclusion

The Applicant has submitted that, contrary to the rejections made in the office action, neither Ishida nor Weber shows or describes an arrangement of side bearing arms that is symmetrical relative to the central plane of a multi-unit articulated rail road car. Furthermore neither reference points to any advantage this feature might have. Given that the feature seems to be missing from both references, the Applicant respectfully submits that *prima facie* grounds of rejection of the claims have not been established. The Applicant therefore submits that the claims are presently allowable, and respectfully requests that the rejections be reconsidered and the claims allowed.

Respectfully submitted,

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